



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.R.C(MD)No.598 of 2011

WEB COPY

Senthilkumar

... Petitioner/Appellant/
Accused No.1

Vs.

State Rep by
The Sub-Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.
(Crime No.6 of 2001)

... Respondent/Respondent/
Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to C.A.No.24 of 2011 on the file of the First Additional Sessions Court (PCR), Thanjavur by his Judgment dated 21.06.2011 confirming the Judgment in C.C.No.64 of 2006 on the file of the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District, by allowing this revision.

For Petitioner

: Mr.A.Arun Prasad

For Respondent

: Mrs.S.Bharathi

Government Advocate (Crl.side)

ORDER

The appellant was convicted for the offence under Section 417 of IPC and sentenced to one year rigorous imprisonment by judgment dated 22.02.2011 passed by the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur in C.C No.64 of 2006. Aggrieved over the judgment passed by the trial magistrate, the accused filed C.A.No.24 of 2011 on the file of the First Additional Sessions Court (PCR), Thanjavur. By judgment dated 21.06.2011, the first appellate court dismissed the appeal and confirmed the judgment passed by the trial magistrate. Questioning the same, the accused have preferred this criminal revision case.

2.The revision petitioner Senthilkumar had developed illegal intimacy with one Vanitha and has promised to marry her. He induced her to have physical relationship with him by holding out the said assurance. As a result, she conceived. But, the petitioner went back on his words and did not marry her. But then, a male child was born. That led the defacto complainant Vanitha to lodge Ex.P1 complaint leading to registration of Crime No.6 of 2001 on the file of the All Women Police Station, Kumbakonam.



3.The testimony of P.W.1 Vanitha could not be shaken in the cross examination. The paternity of the male child Prakash Raj has also convincingly established. P.W.14, Assistant Director, Forensic Department had clearly deposed that Senthilkumar is the father of the child born to P.W1. In these circumstances, this Court took the view that the judgments passed by the court below do not warrant any interference. At this stage, the victim Vanitha and Prakash Raj born to her as well as his father Senthilkumar appeared before me in person. Senthilkumar categorically stated before me that he is very much the father of Prakash Raj born to P.W.1 and that he is admitting his paternity. It is also seen that the appellant was in incarceration for about 21 days.

4.Taking note of these mitigating circumstances, even while sustaining the conviction imposed on the appellant, I modify and reduce the sentence imposed on the revision petitioner to the period already undergone by him. This criminal revision case is partly allowed accordingly.

Sd/-

Assistant Registrar (ADII)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The First Additional Sessions Court (PCR), Thanjavur.
- 2.The District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District.
- 3.The Sub-Inspector of Police,
All Women Police Station, Kumbakonam,
Thanjavur District.
- 4.The Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

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RL/16.07.2019/2P/5C